THE HONOURABLE SRI JUSTICE V.ESWARAIAH

Date:14-3-2006

WRIT PETITION No. 5060 OF 2006

BETWEEN:

P.V.Pratap Reddy

…Petitioner

And

The State of A.P., represented by its Secretary, Revenue Department, Secretariat, Hyderabad and others.

…Respondents

ORDER:

The petitioner seeks to issue a writ of mandamus, declaring the proceedings of the third respondent issued in No.B/209/2006, dated: 4-1-2006 as unjust, arbitrary and illegal.

Heard the learned counsel appearing for the petitioner as well as the learned Government Pleader appearing for the respondents.

It is the case of the petitioner that he purchased an extent of 1,540 Sq.yards consisting a house bearing Panchayat No.7-16/2/B in Sy.No.211/2, situated at Srinivasanagar colony, Yebugonda Grampanchayat, Mahabubnagar Mandal and District vide registered sale deed dated 29-11-2005. It is stated that the Mandal Revenue Officer, Mahabubnagar passed the impugned order vide proceedings

No.B/209/2006, dated 4-1-2006 based on the report of the Mandal Revenue Inspector dated 2-12-2005, stating that an extent of Ac.6.06 guntas was assigned to three beneficiaries namely (1) Masamma Ac.1-00, (2) Pothapally Balaiah Ac.1-02 guntas and (3) Mandari Sangam Ac.2-04 guntas. Out of the said three beneficiaries, Masamma sold away the land assigned to her to Md.Hafeezulla and the said Hafeezulla in turn sold the same to Noorjahan. The petitioner purchased the said land from the G.P.A., holder of Noorjahan.

The perusal of the proceedings goes to show that admittedly, the said lands are assigned lands and the petitioner purchased a small extent of 1,540 Sq.yards in the said survey number. But, however, if there is any violation of the provisions of sub Sections (1) and (2) of Section 3 of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977(for short “the Act), it is open for the respondents to issue a notice and take appropriate action in accordance with law. Without issuing any notice and without giving reasonable opportunity either to the original assignee or to the transferees, who are in possession of the said land, the respondents cannot resume the land under Section 4(1) of the Act.

Having regard to the facts and circumstances of the case, the impugned orders are set aside, keeping it open for the third respondent to initiate action under the provisions of the Act and pass appropriate orders in accordance with law.

The writ petition is disposed of accordingly.

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V.ESWARAIAH, J

Date: 14-3-2006.

Shr.